U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

DOT-E 3498
(TWELFTH REVISION)

OCT 17 2003

EXPIRATION DATE: September 30, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: U.S. Department of Defense (DOD)
Ft. Eustis, VA

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of fueled combat and other military vehicles loaded with ammunition basic load (ABL), accessory ammunition, and other hazardous materials in periods of declared national emergency, or during contingencies requiring expedited movement of U.S. forces as approved by the appropriate command authority. This exemption does not apply to military exercises or maneuvers, resupply or retrograde movements. This exemption provides no relief from any hazardous material regulations other than as specifically stated herein.

b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: Parts 172 and 174; § 176.3; Subparts B, C, D, F, H, I, J, L, M, N, O of Part 176; and Part 177, except as specified herein.

5. BASIS: This exemption is based on an application from the Department of Defense dated September 30, 2003, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS: Vehicles loaded with military explosives - classed as Divisions 1.1, 1.2, 1.3, 1.4, 1.5 and 1.6, and other hazardous materials essential for military operations. Each hazardous material must be identified on the shipping papers as prescribed by Part 172, Subpart C.

7. SAFETY CONTROL MEASURES:

a. PACKAGING:

i. Ammunition must be transported in standard DOD packagings, or packagings complying with the provisions of § 173.7. Fuzes (if removable) must be in separate packagings.

ii. Fuel tanks of vehicles may not be filled to more than 75% of their capacity, including containerized vehicles equipment.

iii. Additional fuel may be carried on vehicles in required DOD or DOT 5 gallon packagings only if: (1) packagings are secured in the vehicles in built-in cradles designed for such purpose, or (2) packagings are carried in vehicles using standard DOD securing procedures. This paragraph does not apply to diesel fuel which may be carried in any packaging meeting DOD specifications.

b. STOWAGE:

i. Loading and stowage of military explosives and other hazardous materials within vehicles must be in accordance with procedures established by the DOD. Such stowage must, in all instances, be sufficient to prevent shifting or movement of cargo in any direction during transportation. Vertical restraint is not required if the shape of the packages, loading pattern, and horizontal restraint preclude vertical movement of the load within the vehicle.

ii. If the holds or compartments in which vehicles are loaded are mechanically ventilated, the restriction specified in § 176.905(c) pertaining to connected battery cables does not apply.

iii. For containerized vehicles or equipment, (1) the battery cables must be disconnected and secured to prevent sparks or ignition, (2) the containers will be marked in accordance with § 176.905(k), and (3) the container will be stowed in a mechanically ventilated hold or compartment, or stowed above deck.

iv. Vehicles subject to this exemption may be transported on open body/open top motor vehicles or on open body/open top rail cars on vessels, so secured that they cannot permanently change position during transit.

8. SPECIAL PROVISIONS:

a. This exemption applies only to emergency movements during a declared national emergency, or during contingencies requiring expedited movement of U.S. forces as approved by the appropriate command authority and directed by the Commander, Military Traffic Management Command.

b. A Dangerous Cargo Manifest (DCM) is required for explosives and other hazardous materials carried aboard the vessels under this exemption.

c. The exemption from provisions of 49 CFR Parts 172 (other than a DCM required by 8b), 174, 176 and 177 applies only when shipments are accompanied by DOD personnel.

d. For the cargo vessel portion of the movement, where it is shown to the satisfaction of the Coast Guard Captain of the Port having jurisdiction, that it is impractical to comply with specific requirements in Parts 100-179, or any provision of this exemption, the Captain of the Port may issue a written waiver of that requirement. A copy of the waiver must accompany the exemption on the affected vessel. Copies must also be provided to the Associate Administrator for Hazardous Materials Safety and Headquarters, Military Traffic Management Command, by the Captain of the Port.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight and cargo vessel.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each motor vehicle and cargo vessel used to transport packages covered by this exemption. Also, for shipment by rail freight, a current copy of this exemption must be filed with the rail carrier.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 *et seq*:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171.180.

- Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8 who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS:

a. Upon activation of this exemption, the Military Traffic Management Command must notify immediately the Associate Administrator for Hazardous Materials Safety (AAHMS) via telephone (202) 366-0656 or fax (202) 366-5713. Telephonic notification must be followed by prompt written confirmation. Upon deactivation of this exemption, the Military Traffic Management Command must provide immediate telephonic and written notification in the same manner as specified for activation.

b. The carrier is required to report any incident involving fire, explosion or loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incidents involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:

R. Ian Fisher

Robert A. McGuire
for Associate Administrator
for Hazardous Materials Safety

OCT 17 2003
(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590. Attention: DHM-31.

Copies of this exemption may be obtained by accessing the Hazardous Material Safety Homepage at http://hazmat.dot.gov/exemptions Photo reproductions and legible reductions of this exemption are permitted. Any alternation of this exemption is prohibited.

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